

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

SCHIEK SPORTS, INC.

Serial No.: 09/641,378

Filed: August 18, 2000

For: SUPPORT AND UTILITY BELT

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OFFICE OF PETITIONS



**PETITION TO WAIVE RULES UNDER 1.183 AND
ACCEPT DRAWINGS**

Applicant respectfully petitions to the Office to accept the enclosed drawings and assign a filing date of August 18, 2000 for the above referenced application. Under 37 C.F.R. 1.174(a), which was in effect at the time of the application filing, the "drawings upon which the original patent was issued may be used in reissue applications if no changes whatsoever are to be made in the drawings." In this application, Applicant intends to use the same drawings as those in the original patent. No changes have been made to the drawings. The reissue application makes reference to all of the drawings of the original application in their unaltered form.

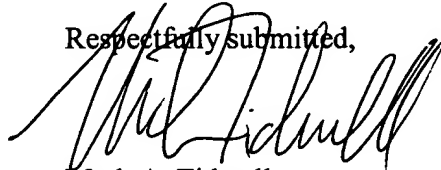
While a filing date is generally dependent on the inclusion of drawings with the original application, the purpose of the Rule is to ensure that the entire invention as described in the specification and claimed in an application is represented in the drawings. It is further intended to prevent alteration of the drawings once the application is filed (since alteration could add new matter). In this case, the reissue drawings are a matter of public record since the applicant is relying on the drawings of the issued patent. Furthermore, the drawings are on file with the Patent Office to the extent they are included in the original file wrapper of the issued patent held by the Patent Office. Thus, the impetus for the Rule and the potential problems that the Rule is intended to prevent are obviated by the fact that the state of the drawings for the reissue

application is "fixed" and unalterable since they are the same drawings as those that appear in the issued patent. For this reason, the Commissioner is respectfully requested to waive application of the Rule and grant the original filing date of August 18, 2000.

Notwithstanding the foregoing, Applicant submits herewith a copy of the drawings as they are also being submitted with the Office for inclusion in the reissue file.

The Commissioner is authorized to charge the deposit account \$130 for the petition fee, and any additional fees arising herefrom, which is identified as Bracewell & Patterson Deposit Account No. 50-0259.

Respectfully submitted,



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CERTIFICATE OF MAILING UNDER 37 CFR §1.8(a)

I hereby certify that this correspondence and its attachments are being deposited with the United States Postal Service as First Class U.S. Mail in an envelope on the date indicated, addressed to the Commissioner of Patents, Box: Petitions - Fee, Washington, D.C. 20231-0001

By: Dora Rios
Dora Rios

Date: 3-18-02